

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Michael O'Connor *et al.*

Serial No.: 10/729,632

Filed: 12/05/03

Entitled: **Controlled Environment Device**

Group No.: 3736

Examiner: Veniaminov, N.

**TERMINAL DISCLAIMER**

**MS Amendment**

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

**CERTIFICATE OF MAILING UNDER 37 C.F.R. § 1.8(a)(1)(i)(A)**

I hereby certify that this correspondence (along with any referred to as being attached or enclosed) is, on the date shown below, being deposited with the U.S. Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Dated: September 16, 2004

By: 

Cliff Cannon-Cin

Sir or Madam:

Petitioners, **Michael O'Connor** and **Marion E. Cox**, are the owners of one-hundred percent (100%) interest in the instant application. Petitioners hereby disclaim, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. §§ 154 to 156 and 173, as presently shortened by any terminal disclaimer, of prior U.S. Patent No. 6,685,622. Petitioners hereby agree that any patent so granted on the instant application shall be enforceable only for and during such period that the legal title to said patent be the same as the legal title to the prior patent, this agreement to run with any patent granted on the instant application and to be binding upon the grantee, its successors or assigns.


In making the above disclaimer, petitioners do not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. §§ 154 to 156 and 173, as presently shortened by any terminal disclaimer, in the event that U.S. Patent No. 6,685,622, expires for failure to pay a

maintenance fee; is held unenforceable; is found invalid by a court of competent jurisdiction; is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. § 1.321; has all claims cancelled by a reexamination certificate; is reissued; or is otherwise terminated prior to the expiration of its full statutory term.

The undersigned has reviewed all the evidentiary documents accompanying or referred to in the instant Terminal Disclaimer and it is certified to the best of the undersigned's knowledge and belief, that title is held by petitioners identified above. The undersigned is empowered to act on behalf of petitioners as an agent of record.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Dated: September 16, 2004



Christine A. Lekutis  
Registration No. 51,934

MEDLEN & CARROLL, LLP  
101 Howard Street, Suite 350  
San Francisco, California 94105  
415.904.6500